

AMENDED IN ASSEMBLY MAY 3, 2005

AMENDED IN ASSEMBLY APRIL 19, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

## ASSEMBLY BILL

**No. 597**

**Introduced by Assembly Member Montanez**  
**(Coauthor: Assembly Member Hancock)**

February 17, 2005

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An act to amend Sections 25395.80, 25395.81, 25395.82, 25395.84, 25395.86, and 25395.96 of the Health and Safety Code, and to amend Section 13228.14 of the Water Code, relating to response actions, *and declaring the urgency thereof, to take effect immediately.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 597, as amended, Montanez. Response actions: brownfield sites.

(1) Existing law, the California Land Reuse and Revitalization Act of 2004, provides that an innocent landowner, a bona fide purchaser, or a contiguous property owner, as defined, qualifies for immunity from liability for response costs or damage claims with regard to a site in an urban infill area, if the innocent purchaser, bona fide purchaser, or contiguous property owner meets specified conditions. The act defines the term “agency” as meaning the Department of Toxic Substances Control, the State Water Resources Control Board, or a California regional water quality control board.

The act requires a bona fide purchaser, innocent landowner, or contiguous property owner who seeks to qualify for the immunity provided by the act to enter into an agreement with an agency, including the performance of a site assessment, and if the agency determines that a response plan is necessary, the preparation and

implementation of a response plan. Existing law requires the response plan to include an opportunity for the public, other agencies, and the host jurisdiction to participate in decisions regarding the response action, and requires the regional board, if the regional board is the agency, to provide access to the proposed response plan and site assessment at the regional board for public review.

This bill would revise the public participation procedures that are required to be included in the response plan, including requiring the agency to notify all other appropriate governmental entities and local agencies, including, but not limited to, the department, a regional board, or redevelopment agency, that is not party to the response plan regarding the proposed response action. The bill would require the regional board to provide reasonable public notice in English and other languages commonly spoken in the area, if appropriate, for public review and comment. The bill would also require the regional board to hold a public meeting in the area to receive comments if a public meeting is requested. The bill would require the regional board to consider any comments prior to acting on the response plan and to consider the use of factsheets, electronic copies of the response plan and site assessment, electronic comment forms, and the forming of advisory groups as appropriate to disseminate information and assist the regional board in gathering public input, public notices, and additional public meetings or workshops.

The bill would also require the agency to consider and evaluate any relevant comments to determine if the response plan is appropriate, proper, and adequate, and to consider the issue of environmental justice for communities most impacted, including low-income and racial minority populations.

(2) The act defines the term “applicable law” as meaning certain state statutory and common laws that impose liability on an owner or occupant of property for pollution conditions caused by a release or threatened release of hazardous material on, under, or adjacent to the property.

*This bill would make clarifying changes with regard to the use of that term.*

(3) Existing law, the Porter-Cologne Water Quality Control Act, requires a regional board to give due notice of any hearing relating to investigating the quality of the waters of the state, prescribing waste discharge requirements, issuing cease and desist orders, requiring the

cleanup or abatement of waste, or imposing administrative civil liabilities or penalties.

This bill would require the regional board, if a response action is being taken at a site, as defined, to also take specified actions when conducting an investigation before a hearing, including providing notice of the major decisions and proposed or planned activities at the site, providing public access to the proposed site response plans and site assessment documents, providing 30 days to comment on proposed response plans and conducting a public meeting in the vicinity of the site during the public comment period as specified. The bill would require the regional board to consider the use of factsheets, electronic copies of the response plan and site assessment, electronic comment forms, and the forming of advisory groups as appropriate to disseminate information and assist the regional board in gathering public input, direct communication with interested parties, and additional public meetings or workshops, as specified, and to coordinate and integrate its public participation activities with those undertaken by the host jurisdiction and other public entities.

(4) *This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 25395.80 of the Health and Safety Code
- 2 is amended to read:
- 3 25395.80. For purposes of this chapter, to qualify as a bona
- 4 fide purchaser, innocent landowner, or contiguous property
- 5 owner a person shall establish, by a preponderance of the
- 6 evidence, all of the following conditions:
- 7 (a) On or before the date on which the person acquired the
- 8 site, the person made all appropriate inquiries into the previous
- 9 ownership and uses of the site.
- 10 (b) The person exercises appropriate care with respect to the
- 11 release or threatened release of hazardous materials at the site.
- 12 (c) The person provides full cooperation, assistance, and
- 13 access to a person who is authorized to conduct response actions
- 14 or natural resource restoration at the site, including the
- 15 cooperation and any access necessary for the installation,

1 integrity, operation, and maintenance of complete or partial  
2 response actions or natural resource restoration at the site.

3 (d) The person complies with land use controls established or  
4 relied on, in connection with an approved response action at the  
5 site, and does not impede the effectiveness or integrity of any  
6 aspect of any remedy employed at the site in connection with a  
7 response action.

8 (e) The person complies with all requests for information or an  
9 administrative subpoena concerning the release or threatened  
10 release of hazardous substances by any agency with jurisdiction  
11 under an applicable law.

12 (f) The person provides all notices and satisfies reporting  
13 requirements required by state or federal law with respect to the  
14 discovery or release of hazardous substances at the site.

15 SEC. 2 Section 25395.81 of the Health and Safety Code is  
16 amended to read:

17 25395.81. (a) Except as provided in Section 25395.85, and  
18 except as otherwise provided under this section, a bona fide  
19 purchaser, innocent landowner, or contiguous property owner  
20 who did not cause or contribute to the release at the site, qualifies  
21 for the following immunities:

22 (1) The bona fide purchaser, innocent landowner, or  
23 contiguous property owner is not liable under any applicable law  
24 for a claim made by any person, other than an agency, for  
25 response costs or other damages associated with a release or  
26 threatened release of a hazardous material at the site  
27 characterized in the site assessment conducted pursuant to, or a  
28 response plan approved pursuant to, Article 6 (commencing with  
29 Section 25395.90).

30 (2) An agency shall not take an action under an applicable law  
31 to require a bona fide purchaser, innocent landowner, or  
32 contiguous property owner to take a response action, other than a  
33 response action required in an approved response plan, with  
34 respect to the hazardous material release at a site that is  
35 characterized in the site assessment conducted pursuant to, or a  
36 response plan approved pursuant to Article 6 (commencing with  
37 Section 25395.90), unless both of the following conditions apply:

38 (A) The conditions on the property pose an endangerment.

39 (B) The agency does one of the following:

1 (i) Makes all reasonable efforts, including taking appropriate  
2 administrative enforcement actions, to compel any necessary  
3 response action from other potentially responsible parties, and  
4 those efforts have been unsuccessful.

5 (ii) Reasonably determines, after the exercise of reasonable  
6 inquiry, that no potentially responsible party exists with  
7 sufficient financial resources to perform the required response  
8 action at the site.

9 (b) This section does not modify or limit the existing authority  
10 of a state or local agency to impose a condition on the issuance of  
11 a discretionary permit relating to the development, use, or  
12 occupancy of any site.

13 (c) The immunities described in this section shall attach when  
14 the bona fide purchaser, innocent landowner, or contiguous  
15 property owner enters into an agreement with an agency pursuant  
16 to Section 25395.92 and shall remain in effect unless one of the  
17 following occurs:

18 (1) The bona fide purchaser, innocent landowner, or  
19 contiguous property owner receives a written notice of an  
20 unapproved, material deviation from the agreement from the  
21 agency.

22 (2) The bona fide purchaser, innocent landowner, or  
23 contiguous property owner or an agency terminates the  
24 agreement before a finding of no further action is made pursuant  
25 to subdivision (b) of Section 25395.95 or a certificate of  
26 completion is issued pursuant to Section 25395.97.

27 (d) A person who otherwise qualifies for immunity under this  
28 chapter and who commits fraud, intentional nondisclosure, or  
29 misrepresentation to an agency with respect to any requirement  
30 of this chapter, does not qualify as a bona fide purchaser,  
31 innocent landowner, or contiguous property owner.

32 (e) This section does not relieve a bona fide purchaser,  
33 innocent landowner or contiguous property owner from  
34 reporting, disclosure and notification requirements under any  
35 applicable law.

36 SEC. 3 Section 25395.82 of the Health and Safety Code is  
37 amended to read:

38 25395.82. (a) Notwithstanding Sections 25395.69, 25395.70,  
39 and 25395.75, on and after the date when the immunity specified  
40 in subdivision (c) of Section 25395.81 attaches, the person shall

1 remain eligible for immunity if a release of hazardous materials  
2 at the site during a response action is de minimis and the agency  
3 determines that all necessary response actions to address the  
4 release have been taken.

5 (b) Notwithstanding Sections 25395.69, 25395.70, and  
6 25395.75, on and after the date when the immunity specified in  
7 subdivision (c) of Section 25395.81 attaches, the person shall  
8 remain eligible for immunity if either of the following occur:

9 (1) Both of the following conditions are met:

10 (A) A release of hazardous materials that poses an  
11 unreasonable risk is discovered before the agency makes a  
12 finding of no further action pursuant to Section 25395.95 or  
13 issues a certificate of completion pursuant to Section 25395.97.

14 (B) The release specified in subparagraph (A) is appropriately  
15 resolved to the satisfaction of the agency pursuant to paragraph  
16 (8) of subdivision (a) of Section 25395.96.

17 (2) All of the following conditions are met:

18 (A) A release of hazardous materials that poses an  
19 unreasonable risk is discovered after the agency makes a finding  
20 of no further action pursuant to Section 25395.95, or issues a  
21 certificate of completion pursuant to Section 25395.97.

22 (B) The innocent landowner, bona fide purchaser, or  
23 contiguous property owner did not cause or contribute to the  
24 release.

25 (C) The release specified in subparagraph (A) is appropriately  
26 resolved to the satisfaction of the agency pursuant to paragraph  
27 (8) of subdivision (a) of Section 25395.96.

28 (c) Notwithstanding Sections 25395.69, 25395.70, and  
29 25395.75, on and after the date when the immunity specified in  
30 subdivision (c) of Section 25395.81 attaches, the person shall  
31 remain eligible for immunity obtained pursuant to this chapter  
32 with regard to a release that is the subject of a finding of no  
33 further action made pursuant to Section 25395.95 or a certificate  
34 of completion issued pursuant to Section 25395.97. If the person  
35 causes or contributes to a release of a hazardous material, that  
36 person shall be responsible for responding to that release in  
37 accordance with all applicable laws.

38 (d) Notwithstanding Sections 25395.69, 25395.70, and  
39 25395.75, on and after the date when the immunity specified in  
40 subdivision (c) of Section 25395.81 attaches to a site and a

1 release of hazardous materials is discovered on or under the site,  
2 a response action shall be conducted at the site in accordance  
3 with the following:

4 (1) If the response action is for petroleum related  
5 contamination caused predominately by a release from an  
6 underground storage tank, the funds in the Underground Storage  
7 Tank Cleanup Fund shall, to the extent permissible by law, be  
8 used in accordance with Section 25299.51.

9 (2) If the response action is for a hazardous materials release  
10 not otherwise subject to paragraph (1), and the agency  
11 determines the hazardous material release endangers public  
12 health or safety, the person who entered into the agreement with  
13 the agency shall pay for, or undertake, the response action. If the  
14 agency determines the hazardous materials release does not  
15 endanger public health or safety, the person who entered into the  
16 agreement shall not be required to pay for, or undertake, the  
17 response action.

18 SEC. 4 Section 25395.84 of the Health and Safety Code is  
19 amended to read:

20 25395.84. (a) A court of competent jurisdiction may award  
21 reasonable attorneys' fees and experts' fees to a person who  
22 initiates a claim under an applicable law for contribution for, or  
23 recovery of, response costs incurred for a response action, or for  
24 any other response costs incurred at a site, if the person meets all  
25 of the following criteria:

26 (1) The person is a bona fide purchaser, an innocent  
27 landowner, or a contiguous property owner and qualifies for  
28 immunity pursuant to this chapter.

29 (2) The person is a prevailing party.

30 (3) On or before 20 calendar days prior to the date of the trial  
31 on issues relating to the response costs at issue, the person serves  
32 on the defendant both of the following:

33 (A) If a response plan has been approved for that site pursuant  
34 to Article 6 (commencing with Section 25395.90), a copy of the  
35 approved response plan.

36 (B) A written demand for compensation setting forth the  
37 specific sum demanded from the defendant, including a statement  
38 of the reasoning supporting the demand. The amount of written  
39 demand shall include all response costs sought from the  
40 defendant at issue, including all interest, but shall not include

1 litigation expenses, attorneys' fees, and experts' fees. The  
2 amount of the demand may include any alleged consequential  
3 damages.

4 (b) In determining whether to award reasonable attorneys' fees  
5 and experts' fees pursuant to this section, a court shall consider  
6 the relationship of the amount of the written demand described in  
7 subparagraph (B) of paragraph (3) of subdivision (a) to the total  
8 sum of the response costs and, if appropriate and included in the  
9 demand, the consequential damages in the written demand, to the  
10 final determination of the costs and damages by the trier of fact.

11 (c) A court may award reasonable attorneys' fees and experts'  
12 fees to an agency that is the prevailing party in an action arising  
13 out of this chapter.

14 SEC. 5 Section 25395.86 of the Health and Safety Code is  
15 amended to read:

16 25395.86. (a) This chapter does not provide immunity from  
17 any of the following:

18 (1) Liability for bodily injury or wrongful death.

19 (2) Any requirement imposed under Chapter 6.5 (commencing  
20 with Section 25100), including, but not limited to, corrective  
21 action and closure and postclosure requirements.

22 (3) Criminal acts.

23 (4) Permit violations.

24 (5) Contractual indemnity agreements between purchasers and  
25 sellers of real property.

26 (6) New releases of hazardous materials that are caused or  
27 contributed to by an innocent landowner, bona fide purchaser, or  
28 contiguous property owner.

29 (b) This chapter shall not apply as a defense or immunity to  
30 any action taken by a redevelopment agency pursuant to Article  
31 12.5 (commencing with Section 33459) of Chapter 4 of Part 1 of  
32 Division 24.

33 (c) This chapter does not limit the authority of an agency to  
34 conduct a response action it determines is necessary to protect  
35 public health and safety or the environment pursuant to an  
36 applicable law.

37 (d) This chapter does not preclude a state or local agency that  
38 is taking property by eminent domain, negotiating to acquire  
39 property in lieu of taking it by eminent domain, or considering  
40 the taking of property through the exercise of eminent domain



1 authority, from evaluating the impact on the value of the property  
2 resulting from a release or threatened release of any hazardous  
3 material, from incorporating that evaluation into any offer of  
4 compensation for that property, or from presenting that  
5 evaluation at a trial or other proceeding to establish the value of  
6 the property.

7 (e) This chapter does not do either of the following:

8 (1) Limit a defense to liability that may be available to a  
9 person under any other provision of law.

10 (2) Impose any new obligation on an owner of real property  
11 other than those specifically assumed by the owner under an  
12 agreement entered into pursuant to Article 6 (commencing with  
13 Section 25395.90).

14 SEC. 6. Section 25395.96 of the Health and Safety Code is  
15 amended to read:

16 25395.96. (a) If, upon review of the site assessment prepared  
17 pursuant to this article, the agency determines that a response  
18 action is necessary to prevent or eliminate an unreasonable risk,  
19 the bona fide purchaser, innocent landowner, or contiguous  
20 property owner shall submit a response plan to the agency to  
21 conduct a response action at the site, in conformance with the  
22 agreement entered into pursuant to Section 25395.92. The  
23 response plan shall include all of the following:

24 (1) (A) An opportunity for the public, other agencies, and the  
25 host jurisdiction to participate in decisions regarding the response  
26 action, taking into consideration of the nature of the community  
27 interest. The agency shall notify all other appropriate  
28 governmental entities and local agencies, including, but not  
29 limited to, the department, the regional board, or a  
30 redevelopment agency, that is not a party to the response plan  
31 regarding the proposed response action. The agency shall place a  
32 notice of the proposed response plan in the California Regulatory  
33 Notice Register, which shall require all comments be forwarded  
34 simultaneously to the bona fide purchaser and to the agency.

35 (B) If a regional board is the agency, the regional board shall  
36 provide reasonable public notice in English and other languages  
37 commonly spoken in the area, if appropriate, access to the  
38 proposed response plan and site assessment at the regional board  
39 and local repositories, and reasonable opportunity for public  
40 review and comment. The regional board shall hold a public

1 meeting in the area to receive comments if a public meeting is  
2 requested. The regional board shall provide notice on the agenda  
3 of the public hearing, and take action on the response plan in a  
4 regularly scheduled regional board meeting. The regional board  
5 shall consider any comments before acting on the response plan.  
6 Depending on the level of community interest, the regional board  
7 may also consider the use of factsheets, electronic copies of the  
8 response plan and site assessment, electronic comment forms, the  
9 forming of advisory groups as appropriate to disseminate  
10 information and assist the regional board in gathering public  
11 input, public notices, and additional public meetings or  
12 workshops.

13 (C) If the department is the agency, the methods for public  
14 participation proposed in the response plan shall include  
15 reasonable public notice in English and other languages  
16 commonly spoken in the area, access to the proposed response  
17 plan and site assessment at the agency and local repositories and  
18 reasonable opportunity to comment. The department shall hold a  
19 public meeting in the area to receive comments if a public  
20 meeting is requested. The department shall consider any  
21 comments received prior to acting on the response plan. Methods  
22 for public participation may also include, but are not limited to,  
23 the use of factsheets, public notices, direct notification of  
24 interested parties, electronic copies of the response plan and site  
25 assessment, electronic comment forms, the forming of advisory  
26 groups as appropriate to disseminate information and assist the  
27 regional board in gathering public input, public meetings, and an  
28 opportunity to comment on the proposed response plan prior to  
29 approval.

30 (D) The agency shall consider and evaluate any relevant  
31 comments received pursuant to subparagraph (A), (B), or (C) to  
32 determine if the response plan is appropriate, proper, adequate  
33 and in compliance with this chapter and either Chapter 6.8  
34 (commencing with Section 25300) of this code, or Division 7  
35 (commencing with Section 13000) of the Water Code. The  
36 agency shall also consider the issue of environmental justice for  
37 communities most impacted, including low-income and racial  
38 minority populations. For purposes of this subparagraph,  
39 “environmental justice” has the same meaning as defined in  
40 subdivision (e) of Section 65040.12 of the Government Code.

1 (E) To the extent possible, the agency shall coordinate its  
2 public participation activities with those undertaken by the host  
3 jurisdiction and other agencies associated with the development  
4 of the property, to avoid duplication to the extent feasible.

5 (F) It is the intent of the Legislature that the public  
6 participation process established pursuant to this subdivision  
7 ensures full and robust participation of a community affected by  
8 this chapter.

9 (2) Identification of the release or threatened release that is the  
10 subject of the response plan and documentation that the plan is  
11 based on an adequate characterization of the site.

12 (3) An identification of the response plan objectives and the  
13 proposed remedy, and an identification of the reasonably  
14 anticipated future land uses of the site and of the current and  
15 projected land use and zoning designations. This identification  
16 shall include confirmation by the host jurisdiction that the  
17 anticipated future land uses and current and projected land uses  
18 and zoning designations are accurate.

19 (4) A description of activities that will be implemented to  
20 control any endangerment that may occur during the response  
21 action at the site.

22 (5) A description of any land use control that is part of the  
23 response action.

24 (6) A description of wastes other than hazardous materials at  
25 the site and how they will be managed in conjunction with the  
26 response action.

27 (7) Provisions for the removal of containment or storage  
28 vessels and other sources of contamination, including soils and  
29 free product, that cause an unreasonable risk.

30 (8) Provisions for the agency to require further response  
31 actions based on the discovery of hazardous materials that pose  
32 an unreasonable risk to human health and safety or the  
33 environment that are discovered during the course of the  
34 response action or subsequent development of the site.

35 (9) Any other information that the agency determines is  
36 necessary.

37 (b) The agency shall evaluate the adequacy of the plan  
38 submitted pursuant to subdivision (a) and shall approve the plan  
39 if the agency makes all of the following findings:

1 (1) The plan contains the information required by subdivision  
2 (a).

3 (2) When implemented, the plan will place the site in  
4 condition that allows it to be used for its reasonably anticipated  
5 future land use without unreasonable risk to human health and  
6 safety and the environment.

7 (3) The plan addresses any public comments.

8 (4) If applicable, the plan provides for long-term operation and  
9 maintenance, including land use and engineering controls, that  
10 are part of the remedy contained in the response plan.

11 (c) (1) On or before 60 days after the date an agency receives  
12 a response plan, the agency shall make a written determination  
13 that proper completion of the response plan constitutes  
14 “appropriate care” for purposes of subdivision (a) of Section  
15 25395.67.

16 (2) Upon approval of the response plan by the agency, the  
17 agency shall notify all appropriate persons, including the host  
18 jurisdiction.

19 (d) If the use of the property changes, after a response plan is  
20 approved, to a use that requires a higher level of protection, the  
21 agency may require the preparation and implementation of a new  
22 response plan pursuant to this article.

23 (e) The owner of a site shall not make any change in use of a  
24 site inconsistent with any land use control recorded for the site,  
25 unless the change is approved by the agency in accordance with  
26 subdivision (f) of Section 25395.99.

27 SEC. 7. Section 13228.14 of the Water Code is amended to  
28 read:

29 13228.14. (a) Any hearing or investigation by a regional  
30 board relating to investigating the quality of waters of the state,  
31 prescribing waste discharge requirements, issuing cease and  
32 desist orders, requiring the cleanup or abatement of waste, or  
33 imposing administrative civil liabilities or penalties may be  
34 conducted by a panel of three or more members of the regional  
35 board, but any final action in the matter shall be taken by the  
36 regional board. Due notice of any hearing shall be given to all  
37 affected persons. After a hearing, the panel shall report its  
38 proposed decision and order to the regional board and shall  
39 supply a copy to all parties who appeared at the hearing and  
40 requested a copy.

1 (b) No party who appears before the panel is precluded from  
2 appearing before the regional board at any subsequent hearing  
3 relating to the matter. Members of the panel are not disqualified  
4 from sitting as members of the regional board in deciding the  
5 matter.

6 (c) The regional board, after making an independent review of  
7 the record and taking additional evidence as may be necessary,  
8 may adopt, with or without revision, or reject, the proposed  
9 decision and order of the panel.

10 (d) (1) If a response action is being taken at a site, the  
11 regional board shall also take all of the following actions when  
12 conducting an investigation before conducting a hearing pursuant  
13 to subdivision (a):

14 (A) Provide public notification of the major regional board  
15 decisions and the proposed or planned activity regarding the site,  
16 including providing notification in languages other than English,  
17 if appropriate.

18 (B) Provide public access to proposed response plans and site  
19 assessment documents at the regional board and at the local  
20 repository.

21 (C) Provide 30 days to comment on proposed response plans  
22 regarding the site. The regional board shall consider any  
23 comments received prior to taking final action on any response  
24 plan.

25 (D) Conduct a public meeting in the vicinity of the site during  
26 the public comment period if one is requested, if there is  
27 significant public interest, or if one is specifically mandated by  
28 statute.

29 (E) Depending on the level of community interest, consider  
30 the use of factsheets, electronic copies of the response plan and  
31 site assessment, direct communication with interested parties,  
32 electronic comment forms, the forming of advisory groups as  
33 appropriate to disseminate information and assist the regional  
34 board in gathering public input, and additional public meetings or  
35 workshops.

36 (F) To the extent possible, coordinate and integrate regional  
37 board public participation activities with those undertaken by the  
38 host jurisdiction and all other public entities associated with the  
39 development, investigation, or response action at the site, to  
40 avoid duplication to the extent feasible, and to acknowledge the

1 public participation capabilities and procedures of local  
2 government.

3 (2) For purposes of this subdivision, the following definitions  
4 shall apply:

5 (A) “Response action” has the same meaning as defined in  
6 Section 25323.3 of the Health and Safety Code.

7 (B) “Site” has the same meaning as defined in Section  
8 25395.79.2 of the Health and Safety Code.

9 *SEC. 8. This act is an urgency statute necessary for the*  
10 *immediate preservation of the public peace, health, or safety*  
11 *within the meaning of Article IV of the Constitution and shall go*  
12 *into immediate effect. The facts constituting the necessity are:*

13 *In order to provide better opportunities for public participation*  
14 *regarding proposed response actions to brownfields, and to*  
15 *clarify certain provisions of the California Land Reuse and*  
16 *Revitalization Act of 2004, thereby encouraging the cleanup of*  
17 *brownfields and protecting public health and safety and the*  
18 *environment, it is necessary that this act take effect immediately.*